

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KEVIN NEDBY,
Petitioner,

v.

DEREK OBERLANDER, *et al.,*
Respondents.

CIVIL ACTION
NO. 19-5241

ORDER

AND NOW, this 13th day of January 2022, upon careful and independent consideration of Kevin Nedby's Petition for Writ of Habeas Corpus (ECF 1) and the response thereto (ECF 10), and after review of the Report and Recommendation of United States Magistrate Judge David R. Strawbridge (ECF 11), Nedby's objections to the Report and Recommendation (ECF 14), the response to his objections (ECF 17) and the state court record (ECF 20, 21, 22), and consistent with the accompanying memorandum of law, it is **ORDERED** that:

1. Nedby's Objections to the Report and Recommendation (ECF 14) are **OVERRULED**;

2. The Report and Recommendation (ECF 14) is **APPROVED** and **ADOPTED**;

3. Nedby's Petition for Writ of Habeas Corpus (ECF No. 1) is **DENIED** and **DISMISSED**;

4. The Court agrees with Judge Strawbridge's determination that there is no cause to issue a certificate of appealability because reasonable jurists would not debate (a) that Nedby failed to make a substantial showing of the denial of a constitutional

right, or (b) the correctness of the Court's procedural rulings. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). No certificate of appealability shall issue; and

5. The Clerk of Court shall mark this case **CLOSED**.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.